

REMARKS

The Applicant notes that all amendments, cancellations, and additions of claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the cancelled claims (or similar claims) in the future.

The Examiner has objected to Claims 4, 6-7, 28 and 30-31 as being dependent on a rejected base claim but allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims (Office Action, pg. 5).

The Examiner has rejected Claims 1, 3, 8-12, 25, 27, 32 and 37 under 35 U.S.C. 102 (b) as allegedly being anticipated by Pierce et al. (WO 97/49434) (Office Action, pg. 2). Applicants respectfully disagree with the rejection. Nonetheless, in order to further the business interests of the Applicant, and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants has amended Claims 1 and 25 to include the elements of dependent Claims 4 and 28 (wherein said membrane permeable molecule is a cationic lipid), which the Examiner has admitted are allowable. The Applicant has further amended Claims 11, 12, and 37 to include the element of the membrane permeable molecule being a cationic lipid. As the Examiner has admitted that these embodiments are allowable (and claims 13 and 38-42 are allowed), the Applicant respectfully requests that the claims be passed to allowance.

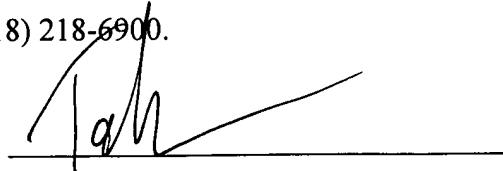
¹ 65 Fed. Reg. 54603 (Sept., 8, 2000).

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

Dated:

0/21/05



Tanya A. Arenson
Registration No. 47,391

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
(608) 218-6900